

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROLAND K. LONG,

Defendant.

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CASE NO. 8:07CR98

ORDER

This matter is before the Court on the Defendant's motion for reduction of sentence (Filing No. 110).

The Defendant states that when he was sentenced in 2007 he received two additional criminal history points for recency under U.S.S.G. § 4A1.1(e), which was eliminated on November 1, 2010. The motion is denied for two reasons. One, the elimination of § 4A1.1(e) was not made retroactive. *United States v. Ball*, 2011 WL 925454, at *2 (3d Cir. 2011). Second, even if the change to the guideline were retroactive, the elimination of two criminal history points would not have resulted in a lower criminal history category for the Defendant, who had a total of 32 criminal history points and was in Criminal History Category VI. A defendant is in category VI with 13 or more criminal history points.

IT IS ORDERED:

1. The Defendant's motion for reduction of sentence (Filing No. 110) is denied;
and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 11th day of April, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge